

REMARKS

In response to the Office Action dated November 20, 2008, Applicants have amended the claims, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration and allowance of all pending claims is respectfully requested. The amendments to the claims have been made in the interest of expediting prosecution of this case. Applicants reserve the right to prosecute the same or similar subject matter in this or another application.

By this Amendment, Claim 64 has been amended. The Examiner has allowed Claims 39-45 and 47-63 over the prior art of record. Applicants respectfully submit that no new matter has been added to this application. Moreover, it is believed that the claims as presented herein place the application in condition for allowance.

The Examiner indication that Claims 67-78 would be allowable over the prior art if rewritten in independent format including all of the limitations of the base claim and any intervening claim is noted with appreciation.

The Examiner has objected to Claims 64-80 for the phrase "in a plurality of test reservoirs". Claim 64 has been amended to recite "in a plurality of test receptacles" as suggested by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

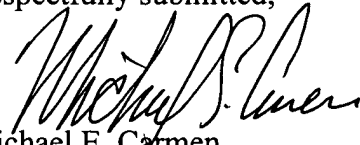
The Examiner has provisionally rejected Claims 46, 64-66, 79 and 80 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 11, 12, 14, 18, 19 and 21 of copending U.S. Application No. 12/072,364 in view of Kolosov et al. U.S. Patent No. 2004/0123650. Applicants submit herewith a Terminal Disclaimer disclaiming that part of the term of any patent maturing from this application, which would extend beyond

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the term of any patent maturing from copending U.S. Application No. 12/072,364, thus overcoming the judicially created doctrine of obviousness-type double patenting provisional rejection. Accordingly, withdrawal of the rejection is respectfully requested.

For the foregoing reasons, Claims 39-80 as presented herein are believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Carmen", written in a cursive style.

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